

Please rewrite the claims as follows:

C<sub>1</sub>  
42. (Once Amended) A method of producing a polypeptide which comprises culturing the host cell of claim 41 under conditions such that the polypeptide encoded by said nucleic acid molecule [said polypeptide] is expressed, and recovering said polypeptide.

C<sub>2</sub>  
56. (Once Amended) A method of producing a polypeptide which comprises culturing the host cell of claim 55 under conditions such that the polypeptide encoded by said nucleic acid molecule [said polypeptide] is expressed, and recovering said polypeptide.

C<sub>3</sub>  
69. (Once Amended) A method of producing a polypeptide which comprises culturing the host cell of claim 68 under conditions such that the polypeptide encoded by said nucleic acid molecule [said polypeptide] is expressed, and recovering said polypeptide.

C<sub>4</sub>  
80. (Once Amended) A method of producing a polypeptide which comprises culturing the host cell of claim 79 under conditions such that the polypeptide encoded by said nucleic acid molecule [said polypeptide] is expressed, and recovering said polypeptide.

C<sub>5</sub>  
101. (Once Amended) A method of producing a polypeptide which comprises culturing the host cell of claim 100 under conditions such that the polypeptide encoded by said nucleic acid molecule [said polypeptide] is expressed, and recovering said polypeptide.

Ce 110. (Once Amended) A method of producing a polypeptide which comprises culturing the host cell of claim 109 under conditions such that the polypeptide encoded by said nucleic acid molecule [said polypeptide] is expressed, and recovering said polypeptide.

C7 119. (Once Amended) A method of producing a polypeptide which comprises culturing the host cell of claim 118 under conditions such that the polypeptide encoded by said nucleic acid molecule [said polypeptide] is expressed, and recovering said polypeptide.

### ***Remarks***

After entry of the foregoing amendments, claims 27-119 will be pending in the captioned application, with claims 27, 43, 57, 70, 81, 102, and 111 being the independent claims.

#### ***I. The Objection to the Claims 57, 62-70, 73-81 and 94-100***

The Examiner has objected to claims 57, 62-70, 73-81 and 94-100 on the basis that they recite improper Markush groups. (Paper No. 9, page 3.) In support of the objection, the Examiner quotes a portion of the MANUAL OF PATENT EXAMINING PROCEDURES (M.P.E.P.), Seventh Edition, Rev. 1, § 803.02 (February 2000), which reads as follows:

Since the decisions in *In re Weber*, 580 F.2d 455, 198 USPQ 328 (CCPA 1978) and *In re Haas*, 580 F.2d 461, 198 USPQ 334 (CCPA 1978), it is improper for the Office to refuse to examine that which applicants regard as their invention, unless the subject matter in a claim lacks unity of invention. *In re Harnish*, 631 F.2d 716, 206 USPQ 300 (CCPA 1980); and *Ex parte Hozumi*, 3 USPQ2d 1059 (Bd. Pat. App. & Int. 1984). Broadly, unity of invention exists where compounds included within a Markush group (1) share a common